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From: Mike Lynch <mlynch@mbypass.com>
To: H1.H1 (STODD)
Date: 2/11/98 10:57pm
Subject: 4th Order Petition for Reconsideration

CC: 96-45
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Hi Sheryl,

Could you please forward this to the Office of the Secretary?
And, if it's not too much trouble, could you send me a reply
confirming
that you got the message?

Thanks,

-Mike

Petition for Reconsideration on the Fourth Order

CC Docket No. 96-45

Submitted by,

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781/337-2005

I. Background

The Telecommunications Act of 1996 explicitly states that schools
and
libraries should have access to "advanced telecommunications and
information services" (254) (h) (2) (A).

The May 8th Order recommends that the Universal Service Fund
"provide
schools and libraries with the maximum flexibility to purchase
whatever
package of telecommunications services they believe will meet
their...

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needs most effectively and efficiently". Furthermore the Order identified this flexibility as "critical to the achievement of the important universal services goal of pervasive technology deployment and use in all school and libraries, regardless of wealth and location". (Paragraph 458)

In light of the above we urge the Commission to reconsider the recommendation that purchased Wide Area Networks (or telecommunications services) between school or library buildings crossing a public right of way not be eligible for universal service discount programs.

II. Benefit of Purchased Connections

Purchased connections between school buildings can be one of the most powerful and cost effective ways to provide advanced telecommunications and information services to schools and libraries.

Bandwidths offered by fiber and some wireless connections are significantly greater than most leased options. Moreover many schools and libraries simply do not have access to "advanced telecommunications" without the use of purchased connections because of the lack of available higher bandwidth leased services.

Purchased connections also facilitate control over access to the Internet.

It is much easier to control what information comes through a single access point than it is for a school district to police the traffic into every school in the district.

Purchased connections can also be very cost effective for schools and libraries when compared with the ongoing costs of slower speed leased alternatives. The Commission has indicated a concern that

purchased

connections could bankrupt the fund. This is an understandable position.

We feel that a simple lease to own program turns this perceived upfront

"drain" on the fund into an exit strategy that allows schools and libraries

to eventually become self-sufficient and no longer draw on the universal service fund.

It is clear that purchased connections cannot be used in every case.

However there are enough circumstances where a purchased connection between schools and libraries is clearly the superior solution that the Commission must find some way to evaluate and fund these applications.

III. Possible Methods for Funding Purchased Connections.

The Commission has the authority to define cost-effective purchased

connections as "internal connections". The Order indicated that it's

definition of an internal connection (i.e. one that does not cross a public

right of way) is rebuttable. If the Commission defines an internal

connection as "any connection that can be purchased for the approximate

cost of leasing a similar connection for 3 years" it would allow purchased

connections where they make technical and economic sense.

Purchased connections between buildings could be allowed as Internet

connections. Both the Act and the Order stress the importance of Internet

access. A purchased connection that provides Internet access should be

funded as a fundamental goal of the Act.

IV. Conclusion

The benefits of allowing schools and libraries the option to

purchase the
connections between their buildings are too important and come
too close to
realizing the goals of the Universal Service Fund to ignore.

In light of the above feel strongly that the Commission
reconsider the
total ineligibility of purchased connections.